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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,216	06/16/2000	Thomas E. Ward III	IS/074 CONT 3.	1187

7590 10/06/2004

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EXAMINER

NALEVANKO, CHRISTOPHER R

ART UNIT PAPER NUMBER

2611

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/595,216

Applicant(s)

WARD ET AL.

Examiner

Christopher R Nalevanko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/23/2004 has been entered.

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 1-34 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-4, 6-9, 12-17, 19-22, 25-30, and 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al (5,850,218) in further view of Lawler et al (5,907,323).

Regarding Claim 1, LaJoie shows a method for navigating about an on screen television interactive program guide (fig. 16). LaJoie further shows displaying program listings for a plurality of currently broadcast television programs in a first area (fig. 16), simultaneously displaying a first television program in a second area of the screen (fig. 16 item 340, col. 6 lines 45-67, col. 23 lines 45-65), activating a display function (col. 23, lines 60-67, col. 24 lines 35-50, col. 26 lines 15-45, col. 27 lines 10-61, navigating through the EPG and switching display modes), and maintaining display of the first television program in the second area of the screen responsive to a first state of the activated display function regardless of user navigation through the displayed program listings (col. 6 lines 55-60, col. 23 lines 55-65, col. 26 lines 15-26, maintaining previously tuned program while using the program guide). Furthermore, Lajoie shows a variety of display functioning modes that dictate how video and data are displayed (col. 26 lines 15-46, navigating through different display modes, themes, and channels). Also, LaJoie suggests that the program in the viewing window, or PIP display, can be changed by activating a second function but does not specifically disclose this mode (col. 6 lines 55-61, "the program viewing window may...display a program selected from the interactive program guide"). Lawler clearly states a viewing mode in which activates a function, or scrolls to another television program, the first television signal is replaced by the selected second program (col. 2 lines 50-67, col. 5 lines 30-50, displaying focused program in preview display window). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of LaJoie with the

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ability to replace the program in the viewing window with a second program so the user could continue to use the EPG while also tuning to additional interested channels.

Regarding Claim 2, LaJoie shows an icon (fig. 16, displaying a variety of function indicators, items 360, 362, and 364, etc.) that indicates the user is in the program guide display.

Regarding Claim 3, LaJoie shows an a variety of icons overlayed on multiple portions of the screen (fig. 16, displaying a variety of function indicators, items 360, 362, and 364, etc.). Specifically, LaJoie shows icons indicating time and channel information, which are “states” of the display function (fig. 16 item 342).

Regarding Claim 4, LaJoie further shows receiving a first user command invoking a full screen television mode from the on screen guide (col. 26 lines 15-25), displaying a full screen television program in response to the first user command (col. 26 lines 15-25), receiving a second user command invoking a grid guide mode (fig. 18, pressing “guide” button, col. 25 lines 60-67), returning to the on screen program guide (fig. 18, pressing “guide” button, col. 25 lines 60-67), and redisplaying the first television program in the second area of the screen (fig. 18).

Regarding Claim 6, LaJoie shows that user activates the display function with a remote control (fig. 3 item 59, col. 15 lines 55-67).

Regarding Claim 7, LaJoie shows that the list of television programs in the first area is maintained while activating a variety of display functions (col. 6 lines 45-67, col. 23 lines 45-67, col. 26 lines 26-45, col. 27 lines 35-62, col. 30 lines 12-30, selecting different modes and requesting additional information).

Regarding Claim 8, LaJoie shows displaying an interactive advertisement in a third area of the screen (fig. 16 items 378, advertisement on future programming) and selecting the advertisement to activate an ad function (fig. 24, col. 29 lines 5-60, recording a advertised future program).

Regarding Claim 9, LaJoie shows selecting the advertisement to activate storing the time and channel for future record (fig. 24, col. 29 lines 5-60, recording a advertised future program).

Regarding Claim 12, LaJoie and Lawler fail to show the ability to collect user profile data and use this data to select advertisements. Official Notice is given that it is well known and expected in the art to use a user profile to select relevant advertisements. This allows the system to present the user with the most relevant data. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie and Lawler with the ability to user a profile to select advertisements so that the system would present the user with data that the user found interesting.

Regarding Claim 13, LaJoie and Lawler fail to show collecting data regarding viewing characteristics and viewer interactions. Official Notice is given that it is well known and expected in the art to collect data regarding viewing characteristics and viewer interactions. This provides the system with relevant facts about the user that can be used for data processing. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie and Lawler with the

ability to collect certain user characteristics so that the system would present the user with data that the user found interesting.

Regarding Claim 14, LaJoie shows an interactive television system with a tuner for receiving a television program, memory for storing multiple types of data, and a display monitor coupled to the tuner and memory (fig. 3 item 41 tuner, item 32 memory, fig. 16 display). All other limitations of the Claim have been discussed with regards to the method claims of Claim 1.

Regarding Claims 15-17, 19-22, 25, and 26, the system claims have been discussed with regards to the method Claims of Claims 2-4, 6-9, 12, and 13, respectively.

Regarding Claim 27, all limitations of the claim have been discussed with regards to Claim 1.

Regarding Claim 28, all limitations of the claim have been discussed with regards to Claim 2.

Regarding Claim 29, all limitations of the claim have been discussed with regards to Claim 3.

Regarding Claim 30, all limitations of the claim have been discussed with regards to Claim 4.

Regarding Claim 32, all limitations of the claim have been discussed with regards to Claim 6.

Regarding Claim 33, LaJoie shows that user activates the display function with an icon (fig. 16, items 360-364, activating different display functions).

Regarding Claim 34, LaJoie shows that the list of television programs in the first area is maintained while activating a variety of display functions (col. 6 lines 45-67, col. 23 lines 45-67, col. 26 lines 26-45, col. 27 lines 35-62, col. 30 lines 12-30, selecting different modes and requesting additional information).

Regarding Claims 35-37, LaJoie shows that the video screen is inlaid in the EPG graphics, which is a picture in picture display (fig. 16 item 340).

3. Claim 5, 18, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al in further view of Lawler et al (5,907,323) and Alten et al (2002/0049973).

Regarding Claim 5, LaJoie shows a variety of icons representing display functions (fig. 16). LaJoie and Lawler fail to show a locked lock and an unlocked lock to indicate the display state. Alten shows a lock in a locked position to indicate certain display functions (figs. 7 and 41). It would have been obvious to one of ordinary skill in the art at the time the inventions was made to modify LaJoie and Lawler with the ability to use a lock icon to show certain display functions so that the user would have a clear, visual representation of a selected function.

Regarding Claim 18 and 31, all limitations of the claim have been discussed with regards to Claim 5.

4. Claims 10, 11, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al in further view of Lawler et al (5,907,323) and Shoff et al (2001/0001160).

Regarding Claim 10, LaJoie shows the ability to connect to the Internet (abstract). Both LaJoie and Lawler fail to show that an ad function is establishing a link to the a



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website for display of still images. Shoff shows connecting to an advertisement website to display images (page 7 sections 0077-0078, fig. 8c). Furthermore, a variety of data is in a "third area" of the screen. It would have been obvious to one of ordinary skill in the art to modify the system of LaJoie and Lawler with the ability to show information from a website regarding an advertisement so that a user could be presented with purchasable items and services, increasing the profitability of the system.

Regarding Claim 11, LaJoie shows the ability to connect to the Internet (abstract). Both LaJoie and Lawler fail to show that an ad function is establishing a link to the a website for display of still images. Shoff shows connecting to an advertisement website to display images (page 7 sections 0077-0078, fig. 8c). Furthermore, a variety of advertisement data is shown in a number of different areas. It would have been obvious to one of ordinary skill in the art to modify the system of LaJoie and Lawler with the ability to show information from a website regarding an advertisement so that a user could be presented with purchasable items and services, increasing the profitability of the system.

Regarding Claims 23 and 24, the limitations of the claims have been discussed with regards to Claims 10 and 11, respectively.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,583,560 discloses a method and apparatus for audio-visual interface for the selective display of listing information on a display.

Legall et al U.S. Patent No. 6,005,565 discloses an integrated search of electronic program guide, internet and other information resources.

Cherrick et al U.S. Patent No. 5,528,304 discloses picture-in-picture feedback for channel related features.

Blonstein et al U.S. Patent No. 6,411,308 discloses a television graphical user interface having variable channel control bars.

Berezowski et al U.S. Patent No. 6,064,376 discloses an adjustable program guide display system.

Stautner et al U.S. Patent No. 6,600,503 discloses an integrated content guide for interactive selection of content and services on personal computer systems with multiple sources and multiple media presentation.

Matthews III U.S. Patent No. 5,815,145 discloses a system and method for displaying a program guide for an interactive televideo system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 703-305-8093. The examiner can normally be reached on M-F 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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